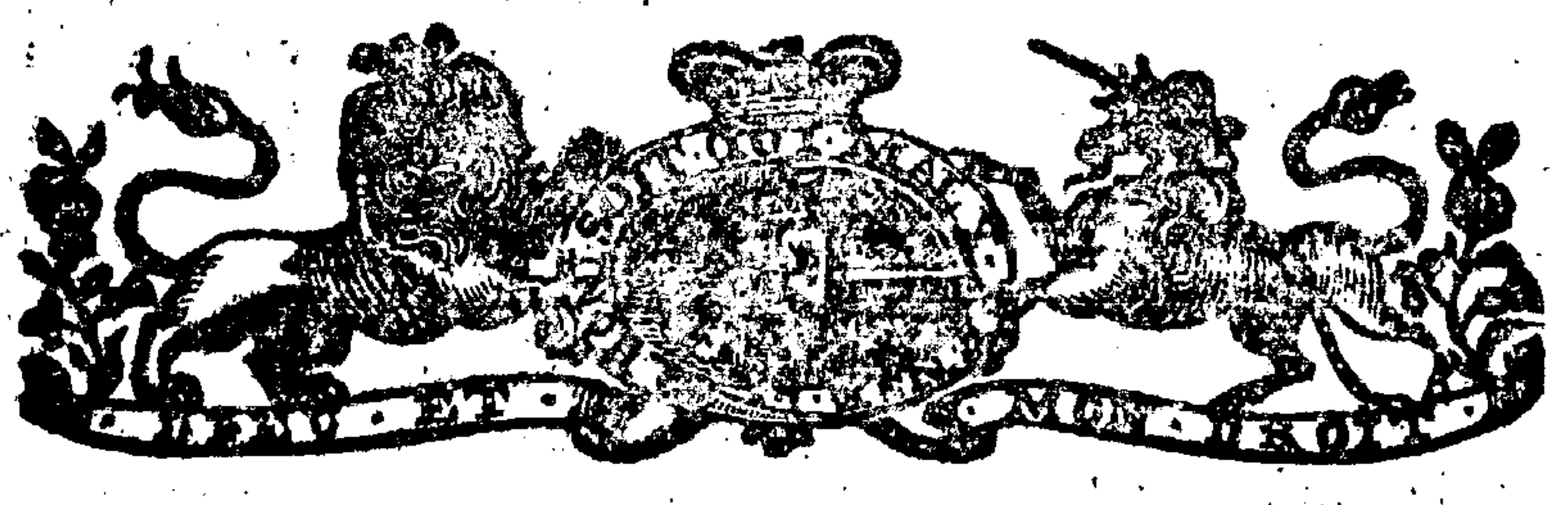


ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

## *Cap.* 17.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Bottom of *Whitesheet Hill*, to the *Wilton* Turnpike Road at or near *Barford* in the County of *Wilts*. [21st *March* 1810.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair the Road from the Bottom of* Whitesheet Hill, *through* Hurdcot, *to the* Wilton *Turnpike Road at or near* Barford *in the County of* Wilts: And whereas the Trustees appointed in or by virtue of the said Act have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which still remain due, and cannot be repaid, nor can the said Road be properly amended, improved and kept in Repair, unless the Term of the said Act is continued, and some of the Powers and Provisions of the said Act altered and enlarged, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, passed in the Twenty-eighth Year of His present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained (except such as relate

28 G. 3. c. 86.

28 G. 3. continued.

to Exemption from Stamp Duties, and such as are hereby varied, altered or repealed) shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations and Additions herein contained, and which shall commence and take Effect upon the Eleventh Day of *October* One thousand eight hundred and ten, and this Act and the additional Term hereby granted, shall be subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said former Act, or which may hereafter be borrowed or become due and owing on the Credit of the said Act and this Act, and of all Interest due and to grow due for the same respectively.

New Trustees.

II. And be it further enacted, That *John Bennett*, *Charles Cowper Bennett*, *William Bennett*, *Charles Bowles*, the Reverend *Barker*, the Reverend *Nathaniel Fletcher*, Sir *Richard Colt Hoare* Baronet, *William Helyar*, *Henry Hoare*, and *Thomas King*, shall from and immediately after the passing of this Act be added to and joined with the Trustees appointed by or in pursuance of the said recited Act for putting the same and this Act in Execution; and the Trustees hereby appointed, and their Successors, being qualified according to the Direction of the said recited Act, are hereby empowered to put the said recited Act and this Act in Execution, as fully and effectually to all Intents and Purposes as if they had been named in and appointed by the said recited Act.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

III. And be it further enacted, That the said Trustees may sue or be sued for or concerning any Thing to be done by virtue or in pursuance of the said recited Act and this Act, either in the Name of the Trustees, who may be Parties to any Deed or Instrument in Writing upon which any Action shall or may be brought, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, in their Names, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death, Incapacity or Removal of any Trustee or Trustees, or Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees or any Five or more of them, but that the Clerk or Treasurer for the Time being to the said Trustees, in case such Action shall be brought by or against, or defended in the Name of such Clerk or Treasurer, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that such Trustees, or Clerk or Treasurer, in whose Name or Names any Action or Suit shall be commenced, prosecuted or defended in pursuance of the said recited Act or this Act, shall be fully reimbursed and paid out of the Monies arising by virtue of the said recited Act and this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceeding he shall bear, pay, expend or be put unto or become chargeable with by Reason of their or his being made Plaintiff or Defendant as aforesaid.

Alteration of Tolls.

IV. And be it further enacted, That instead of the Tolls authorized and directed in and by the said recited Act to be demanded and taken for Horses, or other Beasts or Cattle, the following Tolls shall and may, from and after the Tenth Day of *October* One thousand eight hundrd and ten, be

be demanded and taken at each of the Turnpikes erected or to be erected upon the said Road; (that is to say),

For every Horse or other Beast or Cattle drawing in any Carriage, the Sum of Sixpence: Tolls.

For every Horse or other Beast or Cattle, laden or unladen and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number:

And for every Drove of Calves, Hogs, Sheep, Lambs, or Swine, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number.

Which said several and respective Tolls are hereby vested in the said Trustees, and the said Tolls and every Part thereof, shall and may be demanded, collected, recovered, applied, and disposed of in such Manner and for such Uses, intents and Purposes as are directed by the said recited Act with Respect to the Tolls thereby authorized to be taken, but subject nevertheless to the Provisions and Directions of this Act. Tolls vested in Trustees.

V. And be it further enacted, That between the First Day of *November* and the last Day of *February* in each and every Year, it shall be lawful for the Collectors of the Tolls hereby granted to demand and take for each and every Horse or other Beast of Draught, drawing in any Carriage employed in carrying or conveying any Timber, or Tree or Trees, a Toll equal to one Half in Addition to the Toll which otherwise might be demanded and taken for such Horse or other Beast of Draught: Provided always, that no such additional Toll shall be demanded or taken, save and except there shall be Two or more Horses or other Beasts of Draught in any such Carriage. Additional Toll on Carriages employed in conveying Timber.

VI. And be it further enacted, That each and every Waggon, Wain, Cart or other such Carriage, passing on the said Road or any Part thereof, the Wheels whereof shall not roll a flat or level Surface, or a Surface so flat or level as not to deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of the Wheels whereof shall deviate more from the exterior Diameter thereof than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, shall be considered and deemed a Carriage on Wheels rolling a Surface less than Six Inches, and shall and may be weighed at any Weighing Engine to be erected on the said Road, or any Part thereof, and shall pay the same Tolls and the same Rates of Weighing as any Waggon, Wain, Cart, or Carriage, on Wheels rolling a Surface less than Six Inches, is or may be subject and liable to pay. Carriages on Wheels not rolling a flat Surface, to be considered as Carriages with narrow Wheels.

VII. Provided always, and be it further enacted, That in the mean Time and until the Eleventh Day of *November* One thousand eight hundred and ten, the Tolls at present payable at the several Toll Gates erected on the said Road shall continue due and payable at the several Gates respectively, and shall be recovered and recoverable in such Manner as is provided by the said recited Act. Present Tolls to be collected till 11th November 1810.

VIII. And be it further enacted, That the said Trustees or any Five or more of them, are hereby authorized and empowered from Time to Time, if Trustees may lessen the Tolls.

if they shall think proper, to lessen or reduce all or any of the said Tolls, and to raise the same again so as not to exceed the respective Sums by this Act granted, and that such Tolls so lessened or reduced shall be collected and recovered in the same Manner as the Tolls hereinbefore granted are directed to be collected and recovered; provided nevertheless, that no such Reduction as aforesaid shall be made unless the Person or Persons who shall be entitled to Two-third Parts at the least of the Money which shall be then due on the Credit of the said Tolls shall consent thereto; and that no Reduction shall be made in any of the said Tolls unless Notice of the Intention to make such Reduction, and of the Meeting to be holden for that Purpose, be given by Writing to be affixed upon all the Turnpikes which shall be then standing upon the said Road, and in the *Salisbury and Winchester Journal*, or some other Newspapers published or circulated in the said County at least Fourteen Days before such Meeting.

General Exemptions from Toll.

IX. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken or received at any of the Toll Gates erected or to be erected or continued upon the said Road, for any Horses, Cattle, or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March, or on Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her or their Parochial Church, Chapel or other usual Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place through which any Part of the said Road lies, or any other Parish, Hamlet or Place in the said County of *Wilts*; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Wilts*; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Straw, or Corn in the Straw, for the use of the Owner, and not for Sale, or purchased; or of carrying or conveying any Dung, Mould, Manure, or Compost (other than Lime) to be used only for manuring the Land, or going or returning empty in that Employment; nor for any Horses, Beasts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow,

Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse, Beast, or Cattle, passing to or repassing from Water or Pasture, not beyond the Distance of Two Miles, and for either of those Purposes going or passing only from One Parish into the next adjoining Parish, and not travelling more than Two Miles along the said Road; nor for any Horse, Beast, or other Cattle when going to or returning from being shoed or farried, not beyond the said Distance of Two Miles; nor for any Horse, Beast, or Cattle, used or employed for the Purpose only of carrying or conveying Materials for the making or repairing any Highway or publick Road within any such Parish, Hamlet, or Place as aforesaid, or for rebuilding, building or repairing any present or future Bridge or Bridges on the said Road under this Trust; nor for any Horse, Beast, Cattle or Carriage which shall cross the said Road only, or shall not pass more than One Hundred Yards thereon; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

X. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses, or Oxen, to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

XI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Wilts*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or to their Treasurer; and

in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons (within Five Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are or may be directed by any Law or Statute in Force and Effect for the Repair of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and in such Part of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

XII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons,

Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any the Pariſhes or Places in which the ſaid Road is ſituate, for a certain Sum of Money by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in Advance, on or before the Firſt Day of *October* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of the Act.

XIII. And whereas by Reaſon of the diverting, altering or turning of the ſaid Road, and by Reaſon of the Purchaſes which the ſaid Truſtees have heretofore made, and may hereafter make by virtue of the ſaid recited Act and this Act, the ſaid Truſtees are ſeiſed or may become ſeiſed of Ground or Soil forming the Road diverted or to be diverted, altered or turned, and alſo of ſome Piece or Pieces of Ground over and above what may be neceſſary for effectuating the Purpoſes of the ſaid recited Act and this Act; be it therefore further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to ſell and diſpoſe of ſuch Grounds or Soil, and Piece or Pieces of Ground, together or in Parcels, either by publick Sale or private Contract (as they ſhall find moſt advantageous and convenient), to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Owners of Land uſed in making new Road to have the firſt Offer of the old Road.

XIV. Provided always, and be it enacted, That the Offer of the Purchaſe of any old Road, or other Piece or Pieces of Ground not wanted for the Purpoſes of the ſaid recited Act or this Act, ſhall be firſt made to the Owner of ſuch adjoining Land which ſhall be uſed and cut for the Purpoſe of widening, turning or improving the ſaid Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road or other Piece or Pieces of Ground, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall ſtill be deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Price for any Land to be taken in purſuance of the ſaid recited Act is directed to be ſettled and aſcertained in and by the ſaid recited Act, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by the Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money upon Demand made thereof by the Treaſurer or Clerk to the Truſtees, and Tender of the Conveyances of ſuch old Road or Piece or Pieces of Ground, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit, to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County, Town Corporate, Diviſion, or Place where ſuch old Road, or other Piece or Pieces of Ground ſhall lie, ſtating that

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such Offer has been made by or on behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road (as the case may be), and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner; provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Land respectively in Manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons by entering the same in their Books, and delivering to him, her, or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

Application of Compensation where exceeding 200 *l.*

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in Case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account pursuant to the Method prescribed by the Act of the Twelfth Year of of King *George* the First, Chapter Thirty-second, and the General Orders of the said Court, without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting any other Lands, Tenements or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends

Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200*l.* nor leſs than 20*l.*

XVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank with the Privity and in the Name of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the Truſtees for executing the ſaid recited Act and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where the Money is leſs than 20*l.*

XVII. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles; or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

XVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them,

them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable, and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Subject to the Order of the Court of Chancery on Motion or Petition.

When any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled thereto.

XIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities, to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

XX. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands or Hereditaments to be purchaſed under the Authority of the ſaid recited Act or of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

XXI. And

Penalty on Riding on Footpaths, &c.

XXI. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining to the ſaid Road, or ſhall drive any Ho ſes or other Cattle, or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Footway; or if any Perſon ſhall haul or draw or cauſe to be hauled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon Wheel Carriages to drag upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up or damage the ſame, or any Part thereof, or the Fences, Hedgebackings or Copſe on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage ſhall not keep his Carriage on the left Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him, her, or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called *Bonfires*, or ſhall ſet fire to, let off or throw any Squib, Rocket, Serpent or Firework whatſoever on any Part or Parts of the ſaid Road; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart or other Carriage, in, upon, or on the Side or any Part of the ſaid Road longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Road, or on the Side or Sides thereof to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For ſecuring tranſient Offenders.

XXII. And whereas Offences may be committed againſt the ſaid recited Act or this Act, by Perſons unknown to the Collectors, Surveyors, or other Officers appointed to put the ſaid recited Act and this Act in Execution; be it therefore enacted, That it ſhall be lawful for any of the ſaid Truſtees, or their Clerk or Clerks, or their Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace for the County or Diſtrict near to the Place where the Offence or Offences ſhall be committed; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Probates of Wills and Certificates of Marriages to be produced to the Clerk and entered.

XXIII. And be it further enacted, That where any Perſon or Perſons ſhall in right or by virtue of his or her Marriage become entitled to any Sum or Sums of Money, due on Mortgage or Security of the Tolls granted by the ſaid recited Act or this Act, an Affidavit containing a Copy of the Regiſter of ſuch Marriage ſhall be made before a Judge of one of His Majeſty's Courts of Record at *Weſtminſter*, or before a Maſter in Chancery in *England*, or a Magiſtrate or Baillie of ſome Corporate Town, or one of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Road, who ſhall make an Entry thereof in the Book or Books

which ſhall be kept for entering Copies of ſuch Mortgages and Transfers as aforeſaid; and ſuch Clerk ſhall upon the Application of the Perſon or Perſons entitled to ſuch Sum or Sums of Money due on Mortgage or Security of the Tolls hereby granted, give and deliver to him, her, or them a Certificate of ſuch Entry; and where any Perſon or Perſons ſhall as Executor or Executors, Adminiſtrator or Adminiſtrators of any Perſon deceaſed, become entitled to any ſuch Sum or Sums of Money as laſt aforeſaid, the Probate of the Will, or Teſtamentary Inſtrument, or Letters of Adminiſtration under which ſuch Perſon or Perſons ſhall be ſo entitled, ſhall be produced and ſhewn to the Clerk of the ſaid Road, who ſhall enter the ſame, and grant a Certificate thereof in Manner aforeſaid, for which Entry and Certificate reſpectively the Sum of Two Shillings and Sixpence, and no more, ſhall be paid to the ſaid Clerk.

For ſhearing the Hedges.

XXIV. Provided always, and be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe (ſigned by the ſaid Truſtees or any Three or more of them, at proper Seaſons of the Year to ſhear and cut, as Occaſion ſhall require, the Tops and Sides of all the Hedges, Banks or Fences ſtanding or growing by or near the Side or Sides of the ſaid Road, in ſuch Manner as ſuch Surveyor or Surveyors ſhall think proper, without any previous Notice to the Occupiers or Owners of ſuch Hedges, Banks or Fences, and all Charges and Expences attending the ſame ſhall in ſuch Caſe from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act.

For paying the Expences of the Act.

XXV. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and paſſing this Act, together with lawful Intereſt for the Money which ſhall be advanced from Time to Time for that Purpoſe, ſhall be paid out of any Money already raiſed by virtue of the ſaid recited Act, or out of the firſt Monies which ſhall be raiſed or borrowedupon the Credit of the ſaid recited Act and this Act, in preference to all other Payments whatſoever.

Publick Act.

XXVI. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement and Continuance of this Act.

XXVII. And be it further enacted, That the ſaid recited Act (ſubject to the Alterations, Additions, and Amendments in this Act contained) and this Act ſhall continue and be in Force and be executed for and during the Reſidue now to come of the Term granted by the ſaid recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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